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**IN RE: JEROME CAMPBELL, #A211-228**

**STATE OF OHIO  
ADULT PAROLE AUTHORITY  
COLUMBUS, OHIO**

Date of Meeting: April 25, 2003

Minutes of the **SPECIAL MEETING** of the  
Adult Parole Authority held at 1030 Alum Creek Drive,  
Columbus, Ohio 43205 on the date indicted above.

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**IN RE: JEROME CAMPBELL, #A211-228**

SUBJECT:	Death Sentence Clemency
CRIME, CONVICTION:	Aggravated Murder Aggravated Burglary (2 Cts.)
DATE, PLACE OF CRIME.	December 24, 1988
COUNTY:	Hamilton
CASE NUMBER:	B890095
VICTIM:	Henry Turner
INDICTMENT:	Aggravated Murder Aggravated Burglary (2 Cts.)
PLEA:	N/A
TRIAL:	Jury
VERDICT:	Guilty, May 5, 1989
SENTENCE:	Death
ACCOMPLICES/CODEFENDANTS	None
DATE OF ADMISSION:	May 22, 1989
TIME SERVED:	168 Months
JAIL TIME CREDIT:	143 Days
AGE AT ADMISSION:	27 (DOB 5/28/61)
PRESIDING JUDGE:	Honorable Thomas Nurre
PROSECUTING ATTORNEY	Arthur M. Ney, Jr.

**FOREWORD:**

Jerome Campbell was heard by the Ohio Parole Board on April 25, 2003, under provision of Section 2967.07 of the Ohio Revised Code. The case was considered upon application by the inmate's counsel, Joseph Wilhelm and Pamela Prude-Smithers, Office of the Ohio Public Defender. On April 18, 2003, Parole Board Member Peter Davis and Parole Board Parole Officer Matt Morris interviewed Mr Campbell at the Mansfield Correctional Institution, in the presence of his counsel, Joseph Wilhelm.

Upon completion of the investigation, an extensive hearing was conducted on April 25, 2003. At the conclusion of the hearing the Board gave careful review, consideration and discussion to all testimony, all available facts pertaining to the crime, and voluminous supplemental materials submitted by counsel for Mr. Campbell, by Hamilton County Prosecutor Michael Allen, and by Assistant Attorneys General Timothy Prichard and Heather Gosselin. The Board deliberated extensively upon the propriety of clemency in the form of commutation.

After careful review and deliberation concerning the documentary evidence and testimony provided the Parole Board voted and reached a majority decision.

We now submit to the Honorable Bob Taft Governor of the State of Ohio, our report and recommendation.

**DETAILS OF THE INSTANT OFFENSE** [As best summarized by the Supreme Court of Ohio in *State v Campbell*, 69 Ohio St. 3<sup>rd</sup> 38, 1994 Ohio LEXIS 801];

Appellant, Jerome Campbell, convicted of the aggravated murder of Henry Turner, appeals his convictions and death sentence.

Turner lived in an apartment at 1008 York Street, Cincinnati. Campbell had formerly lived in the same apartment building as Turner and had been in Turner's apartment, but had moved out about two months before the murder.

On December 23, 1988, Turner's neighbor, Leon Callins, visited Turner and left at 8:00 p.m. The next morning, Callins found Turner lying dead, a knife sticking through his wrist. Callins called the police.

The police found Turner's apartment in disarray. Dresser drawers were lying on the floor. Items lay jumbled on the bedroom and living room floors. Turner's mattress had been pulled off the bed frame, and his television lay facedown on the floor. Turner's normally locked liquor cabinet was open. According to Callins, Turner kept a neat apartment, and the mess had not been there the night before. Police found a set of knives in an open drawer in Turner's kitchen; the murder weapon was apparently taken from that drawer.

Police also found Campbell's fingerprint and palm print at the crime scene. The fingerprint was on a light bulb found on the floor just outside Turner's apartment. The palm print was on the outside surface of the door leading from the hallway into Turner's kitchen, directly above the lock.

In an autopsy examination, a deputy Hamilton County coroner found two stab wounds in Turner's chest and a "through and through stab wound of the right wrist"; i.e., the knife had been plunged all the way through Turner's wrist. Turner also had a half-inch-deep cut on the chin and a defense wound on his left thumb.

Donna Roberts lived at 1010 York Street. She knew Campbell as "Scar Face" or "Burnt Face", nicknames deriving from the burn scars covering one side of his face. Around 11.00 p.m. on December 23, while walking to a local bar, Roberts saw someone in an alley between 1010 York and 1008 York. She did not see the person's face, but said he or she wore white jogging pants.

About two hours later, Roberts was walking home along York Street, which required her to pass an alley separating 1008 York from a vacant building. Passing the alley, Roberts was startled to see Campbell standing in the alley, just inches away from her. Campbell was wearing dark pants and held what might have been a bottle. Roberts said, "[H]ow you doing?" Campbell said, "Hi."

On December 30, Officer Camden and Specialist Rowland of the Cincinnati police arrested Campbell at his sister's apartment and later interrogated him at the police station. An interrogating police officer stated that Campbell admitted the burglary but denied the murder. Campbell also said that he had never changed a light bulb at 1008 York, except in his own apartment.

After the police took Campbell away, his sister let them search her apartment. (Campbell disputes the voluntariness of her consent.) In a closet, officers found a pair of gym shoes stained with human blood. Under a bed, they found an empty Bacardi rum bottle. A code number on the label matched the number on a Bacardi

bottle found in Turner's apartment. Records of the Castleton Beverage Corporation (which makes Bacardi) showed that all bottles with that code number had gone in one shipment to Covington, Kentucky.

Campbell's ex-girlfriend, Estella "Niecy" Roe, visited him in the Hamilton County Jail as he awaited trial. During one visit, Campbell admitted to Roe that "he did it" (he later recanted) and asked her to lie for him. Later, Campbell sent Roe a letter postmarked January 23, 1989, setting forth a detailed alibi for Roe to testify to. Unwilling to lie for Campbell, Roe gave the letter to police.

Ronys Clardy and Angelo Roseman, both convicted felons, were in jail at the same time. Both later testified that Campbell admitted to them that he had murdered Turner. Campbell mentioned to both Clardy and Roseman that he had seen a woman, presumably Donna Roberts, outside the apartment house after the murder. Campbell told Roseman he was afraid the woman might be able to identify him.

The jury convicted Campbell of aggravated murder, R.C. 2903.01(B) (felony-murder), a felony-murder specification, R.C. 2929.04(A)(7), and two counts of aggravated burglary, R.C. 2911.11 (A)(1) and (A)(3). After a penalty hearing, Campbell was sentenced to death. The court of appeals affirmed.

**RECORD:**

Juvenile:			
<u>DATE:</u>	<u>OFFENSE:</u>	<u>PLACE OF ARREST:</u>	<u>DISPOSITION:</u>
5-5-73	Petit Larceny Rec. Stolen Goods	Juvenile Court	Counseling
7-8-75	Agg. Burglary	Juvenile Court	Dismissed
7-11-75	Agg. Burglary	Juvenile Court	Probation
12-9-76	Driving Car While Intoxicated	Juvenile Court	Probation
11-8-77	Assault	Juvenile Court	Probation
3-13-78	Probation Violation	Juvenile Court	Probation
7-5-78	Agg. Burglary	Juvenile Court	Susp. Commitment to Ohio Youth Commission
12-15-78	Robbery	Juvenile Court	Dismissed
4-30-78	Agg. Burglary	Juvenile Court	Dismissed

	Adult			
11-2-79	Agg. Burglary	Cincinnati, Ohio		Sentenced 4-25 Yrs Ohio State Reform. & Costs on 2/15/80; Paroled 10/13/81; Returned as Parole Violator 10-12-82
2-12-80	Trafficking	Cincinnati, Ohio		Sentenced 6 Mo. To 5 Yrs., Ohio State Reformatory, Concurrent to above sentence
7-29-82	Drug Abuse	Cincinnati, Ohio		\$61 Fine.
8-2-82	Agg. Burglary	Cincinnati, Ohio		Sentenced 4-25 Yrs. Ohio Penitentiary and Costs; Paroled 1-25-88
7-1-88	City Ordinance	Cincinnati, Ohio		Cost Paid

**DISMISSED CHARGES:**

12-3-79	Agg. Burglary; Interfering with Custody; Criminal Trespass; Menacing	Cincinnati, Ohio
8-13-82	Assault, Robbery, Menacing	Hamilton County

**CONVICTION EVIDENCE:**

For the jury, substantial and compelling circumstantial evidence linked Campbell to this crime:

- Campbell's familiarity with the victim, with the victim's apartment and with the entire apartment building;
- Campbell's fingerprint & palm print on the outside surface of the victim's kitchen door,
- Campbell's fingerprints on the light bulb on the floor outside the victim's kitchen door;
- Donna Roberts' identification of Campbell standing in the alley near the victim's apartment building on the night of the murder;
- Campbell's recanted confession to his girlfriend, Ms. Roe;

- Campbell's letter from jail to his girlfriend, Ms. Roe, requesting her to fabricate an alibi for him;
- An empty Bacardi rum bottle found at Campbell's sister's apartment, bearing the same label code number as a Bacardi rum bottle found in the victim's apartment;
- Incriminating testimony from convicted felons Ronys Clardy and Angelo Roseman, both awaiting trial on felony indictments unrelated to Campbell's case [and purportedly without any promises for special consideration or "deals" for leniency from Hamilton County prosecutors or from law enforcement officers];
- Campbell's gym shoes with human blood on the right shoe.

Due to the number and location of the stab wounds suffered by the victim, the trial court concluded that "a rational juror would be precluded from finding the lack of a purposeful killing", and refused defense counsel's request for a jury instruction on the lesser-included offense of involuntary manslaughter. Thus, the jury was given only two choices: a conviction on capital murder or an acquittal.

**Counsel for Mr. Campbell presented credible evidence sufficient for the majority members of this Board to question any sustained confidence or reliability in the jury's recommendation of the death penalty. The imposition of the death penalty should demand a greater certainty, confidence and reliability as to the proper weighing and balancing of credible evidence than was submitted to the triers-of-fact in this case.**

We don't doubt Mr. Campbell is responsible for the death of Mr. Turner. However, we do seriously question whether the jury would have in fact recommended the death penalty if they knew what we now know. We also question whether the jury would have in fact found guilt beyond a reasonable doubt for capital murder had the trial court given an instruction for a lesser-included offense

### **CAMPBELL'S CLAIM OF "NEW INFORMATION":**

Counsel for Mr. Campbell assert that new [post-conviction] information raises serious concerns about the reliability of Mr. Campbell's convictions in support of his claim of actual innocence:

1. As of September 12, 2002, new DNA test results conclude that "the source of the DNA from all the stains from the white Pony gym shoes and the absorption elution threads" is "consistent with Jerome Campbell" and that the victim "is excluded as the source".
2. During federal habeas discovery, police reports were obtained strongly indicating that jailhouse informants Clardy & Roseman both sought and obtained consideration for their testimonies against Mr. Campbell, contrary to what was told to the jury. It is a fact that the charges against Clardy were subsequently dismissed [reportedly due to the unavailability of two witnesses for trial] and that Roseman received a bond and continuance of his case, pending the Campbell trial, and ultimately received a sentence of "time served" for his offense.

### **THE BLOODY SHOES:**

Proponents of Mr. Campbell's execution would have us believe that the bloody gym shoe evidence was only a "little corner piece" of the circumstantial puzzle, that the shoes were not entered as probative evidence and that Mr Campbell was not hurt by their admission. Indeed, we are told that the bloody shoes were introduced as evidence merely "to show the jury that we have gone the extra mile" in collecting and assembling various pieces of evidence which may be related to the crime. Were this true, the jury would have been introduced as well to the blood stained cap and glove found in the victim's apartment. Moreover, the prosecution could have chosen to make the jury aware of the following list of crime scene blood evidence which the police destroyed 15 months after Mr. Campbell's trial and; thus, were not available for subsequent DNA testing:

- A piece of plastic removed from the kitchen floor
- A green blanket
- A black metal stoker



- A cream pillowcase
- A paper towel & napkin found on the floor

The prosecution referenced the shoes in their closing argument to the jury, while every indication was that the prosecution was aware from information provided by their own informants [Clardy and Roseman] that Mr. Campbell was not even wearing the gym shoes the night of the murder. The following excerpt from the prosecution's closing argument is clearly reflective of why the bloody shoes were introduced into evidence ---- to allow the jury to draw a strong inference that the blood on the shoes was that of the victim, Mr. Turner:

“The human blood Now again this guy must have had one heck of a bad day. You talk about unlucky. Because all these things start coming together. I don't have blood on my shoes. I've had it on my shoes before. No question. But did it just so happen that six days after this occurred when he got picked up he happened to have blood on his gym shoes. And the best excuse that you've heard is back in August somewhere he was involved in an incident where he got blood on his shoes.”

Credible evidence was received to find that at least one juror gave substantial weight to the blood stained shoes. Interviewed by defense counsel six years after the trial, the juror mentioned that she believed in Mr. Campbell's guilt because “Henry Turner's blood was found on Mr. Campbell's gym shoe”. The reliance on the bloodstained gym shoes was so prominent that the Ohio Supreme Court cited the trial testimony of the forensic serologist examining the shoes and stated “human blood stains on Campbell's shoes make it somewhat likelier that he stabbed someone ”

### **JAILHOUSE INFORMANT TESTIMONY:**

Proponents also argue, as the jury was led to believe, that the jailhouse informants [Clardy and Roseman] had no underlying motivation, that they received no special consideration for leniency; therefore, “they had no reason to lie”. The police reports considered in our deliberations contradict their testimony in this regard.

The jury was led to believe by Ronnie Clardy that his only motive for testifying against Campbell was to get him “off the streets” because Campbell was “evil”. He further told the jury that he did not talk to law enforcement about any of the details of his own case. However, later discovered police reports state otherwise. In fact, police noted in one of their reports that Clardy was holding back more

information because he wanted to get a deal from the prosecutor regarding his pending robbery charges. Police further indicated that they would put Clardy in touch with prosecutors and to see what kind of arrangements they want to make with him. It should be noted that the charges against Clardy were dropped after his testimony at Campbell's trial. The prosecutor contends that these charges were dropped because they were unable to locate the victim and the witness involved in Clardy's robbery case.

Angelo Roseman testified that his only motive for testifying against Campbell was to "tell the truth." Additionally, he stated that he received no consideration from the prosecutor regarding his pending robbery charge. The truth of the matter is that the prosecutor let Roseman out on bond and had his pending case continued until after Campbell's trial, after which Roseman was sentenced to time served and released.

Had the jurors received more accurate information, they might have weighed witness reliability differently

#### **APPELLATE REVIEW OF CAMPBELL'S "NEW INFORMATION" CLAIM:**

Counsel for Mr. Campbell rightly argue that he has been unjustly precluded by the appellate courts from a full and fair consideration **on the merits** of this new "potentially exculpatory evidence" due to "technical" and procedural barriers of "res judicata" and "procedural default".

- In post-conviction proceedings, the Hamilton County Court of Common Pleas [trial court] ruled that **"The affidavit of a trial juror discussing the effects of evidence, arguments and instructions on his deliberations cannot be considered as it violates Evidence Rule 606 (B)."**
- The 1<sup>st</sup> District Court of Appeals, on appeal from Defendant's petition for post-conviction relief, ruled as follows: **"Campbell presented an affidavit of a juror who averred that he found their [Clardy's & Roseman's] testimony credible, because examination of the witnesses at trial failed to disclose a motive to lie." We note at the outset that Evid. R. 606 (B) bars consideration of the juror's affidavit.**
- The Federal District Court in habeas review stated: **"This Court cannot weigh the credibility of witnesses. Nor is the Court permitted to overturn a conviction merely because it would have acquitted had it acted as the finder of fact."**

- **No court** has ruled on the merits as to whether Mr Campbell's new DNA evidence is potentially exculpatory or **whether**, in light of this new evidence, **a reasonable fact-finder would not have recommended Mr. Campbell for the death sentence.**

This Board should not bind our executive review and fair assessment of death penalty cases to restrictive judicial notions of "*res judicata*", rules of evidence, or "procedural default". Our statutory duty is neither curtailed nor constrained by appellate judicial procedures. We should not simply defer to appellate courts on all issues of importance in capital cases. We have a duty to make our own independent analysis and judgment of life-and-death justice. The judiciary itself recognizes our rightful, separate authority in such matters:

History shows that the traditional remedy for claims of innocence based on new evidence, discovered too late in the day to file a new trial motion, has been **executive clemency**. [emphasis added] *Herrera v Collins*, 506 U.S. 390 (1993)

We now know more accurate, verifiable and credible facts than did the jury. **We should not give blind deference to a jury's recommendation of death when the quantum of proof has been diminished from that adduced at trial.** The jury's reliance on evidence and testimony now called into question strongly suggest that another outcome in the penalty phase of Campbell's trial was at least a possibility. We have diminished confidence and reliability in the jury's verdict.

It is impossible, nearly 14 years after trial, to surmise how jurors might have reacted to the absence of prominently displayed evidence, however circumstantial that evidence may have been. Similarly, other conclusions might have been reached had jurors known the true motivations of the prosecution's jailhouse informants. The issue is **not** whether the same jury reasonably could have reached the same conclusion as to guilt and as to recommending death. **The issue is whether the jury could have reached a different recommendation as to the imposition of the death sentence [i.e. a different assessment and balancing of the relative weight and sufficiency of the remaining circumstantial evidence].**

## **CONCLUSION:**

**Who** can rightly say [**indeed, who can truly know**] exactly how the same jurors would have considered, weighed, balanced, deliberated and concluded as to the remaining circumstantial evidence. The potential imposition of the death penalty should require this Board to base our recommendation on more than conjecture or assumption that the jury “probably” or “most likely” or “undoubtedly” would have returned the same verdict and/or the same recommendation of death. When imposing the death penalty the State should proceed cautiously

We find that the evidence presented is sufficiently persuasive to warrant a favorable recommendation for clemency. **Our recommendation in no way mitigates against Mr. Campbell’s senseless, horrible, brutal killing of a defenseless elderly citizen. The majority members of the Board vote to recommend a FAVORABLE grant of clemency. Justice is best served in this matter by commuting Jerome Campbell’s sentence from death to life without the possibility of parole.**

## **DISSENTING OPINION OF BETTY J. MITCHEL & OLIVIA A. KARL:**

We respectfully disagree with the findings and recommendation made by our majority colleagues.

Exclude the bloody shoe. Greatly reduce the credibility of both jailhouse informants. The residual circumstantial evidence against Mr. Campbell remains substantial and compelling. Any reasonable juror would still have more than enough credible evidence to convict him of capital murder and recommend the death sentence. The diminished quantum of proof noted by the majority does not diminish the continued reliability of the jury’s verdict in this case.

Central to all of the appellate court decisions which have rejected Mr. Campbell’s multiple claims and central to our dissenting opinion is the fact that Mr. Campbell has not demonstrated by clear and convincing evidence that a reasonable fact-finder would not have found Mr. Campbell guilty or that a reasonable fact-finder would not have found Mr. Campbell eligible for the death sentence.

Mr. Campbell has maintained that, on the night of the murder, he was with a woman named “Karen” whom he met for the first time that night, and whose last name he could not recall. Despite diligent efforts by law enforcement authorities and by Mr. Campbell’s own counsel, “Karen” has never been located to give any

credence to Mr Campbell's alibi. It is not known today with any probability that "Karen" even exists.

The jailhouse informants could not know all that they knew unless they got those details from Mr. Campbell. Mr. Clardy and Mr. Roseman may have lied about their motivations for testifying, but they didn't lie about many particulars surrounding Mr. Campbell's case. They learned those non-publicized particulars directly from Mr Campbell. Most notably, Mr. Clardy had no other possible way of knowing that Mr. Campbell was not wearing the "bloody gym shoes" on the night of the murder, but rather was wearing his "desert boots".

Although the information set forth by Mr. Campbell is favorable to him, it is not the type of outcome-altering evidence sufficient to persuade us to recommend mercy. There was nothing of sufficient weight to overwhelm the jury's decision. The death penalty was applied properly. Mr. Campbell has failed to prove a reasonable probability of a different result.

We do not find that the evidence presented is sufficiently persuasive to warrant a favorable recommendation for executive mercy. We vote to recommend an **UNFAVORABLE** grant of clemency.

**RECOMMENDATION:**

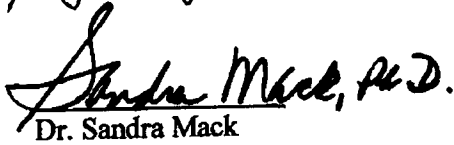
Following consideration of available information, the Ohio Parole Board with eight (8) members participating, and with two [2] members voting for an **UNFAVORABLE** recommendation, the majority members voted to provide a **FAVORABLE** recommendation to the Honorable Bob Taft, Governor of the State of Ohio, that the sentence of Jerome Campbell be commuted from death to LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE.

Jerome Campbell #A211-228  
Death Penalty Clemency Report

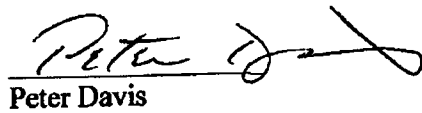
**OHIO PAROLE BOARD MEMBERS  
VOTING FAVORABLE**



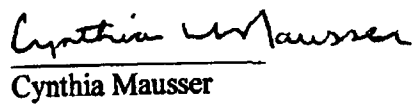
Cary Croft, Chair



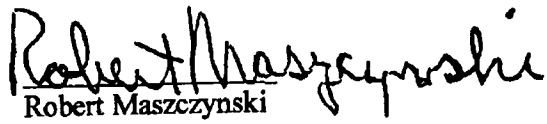
Dr. Sandra Mack



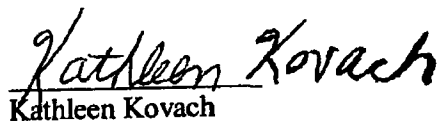
Peter Davis



Cynthia Mausser




Robert Maszczyński

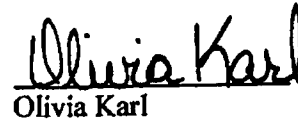


Kathleen Kovach

**OHIO PAROLE BOARD MEMBERS  
VOTING UNFAVORABLE**



Betty J. Mitchell



Olivia Karl